We, the undersigned organizations, oppose H.R.2579, the Secure and Succeed Act of 2018, in its current form. If passed, this bill will expand the authority of the Department of Homeland Security beyond any meaningful oversight or accountability protections. Specifically, Section 1111 would allow the DHS to ensure the expeditious construction,

installation, operation, and maintenance of the tactical infrastructure and technology under this a previous already over-broad authority that

allowed DHSto waive any legal requirement necessary to facilitate construction of barriers and roads. In the past, DHShas used even this much narrower authority to waive important open government and accountability laws. With this authority expanded, DHS could exempt itself from statutes that would safeguard against civil liberties violations, misuse of taxpayer dollars, and avenues for accountability and Congressional oversight. Any such waiver would be final upon publication in the *Federal Register*, with limited avenues for Congress, the courts, or the public to seek recourse.

The Secure and Succeed Act also already includes exemptions from important public disclosure requirements, which would keep the public in the dark about the implementation of massive federal border security, immigration enforcement, and surveillance programs. Sections 5002 and 5003 would exempt implementing agencies from the Administrative Procedure Act and the Paperwork Reduction Act, removing crucial accountability mechanisms and preventing the public from offering comments and receiving feedback on significant policy changes. Federal agencies could remove crucial Privacy Act protections, issue new regulations, or authorize the collection of personal data without public knowledge.

Congress should not legislat

or its

own ability to conduct oversight of federal border security operations. We oppose these provisions in H.R2579 and any other border security bill.

- American-Arab Anti-Discrimination Committee American Library Association Otizens for Responsibility and Ethics in Washington Cause of Action Institute Center for Democracy & Technology Constitutional Alliance Oyber Privacy Project Defending Rights and Dissent Demand Progress Electronic Frontier Foundation Government Accountability Project Government Information Watch
- Identity Project Muslim Justice League Muslim Public Affairs Council NAFSA: Association of International Educators National Coalition Against Censorship National Immigration Law Center Open the Government Project On Government Oversight Restore the Fourth Sunlight Foundation